IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

Tr.P(C).No. 212 of 2007()

OP.737/2005 of FAMILY COURT, KOTTARAKKARA
.....

PETITIONER/RESPONDENT

V.RITA SHERLIN, AGED 41 YEARS,
W/O O.BENCHAMIN, PALLIPADINJATTATHIL VEEDU,
NEENDAKARA, KARUNAGAPPALLY TALUK,
KOLLAM.

BY ADV. SRI.DILEEP P.PILLAI

RESPONDENTS: PETITIONER

O.BENCHAMIN, AGED 45 YEARS,
S/O UMMAN, VARIANKONATHU PUTHEN VEEDU,
THRIKKANNAMANGAL, KOTTARAKKARA,
KOLLAM.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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Tr.P.C. NO. 212 OF 2007

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Dated this the 5th day of October, 2007.

J U D G M E N T

This Transfer Petition is filed to withdraw O.P.(Div.) 737/05 pending before the Family Court, Kottarakkara and transfer the same to Family Court, Kollam for trial and disposal. The petition is one for divorce filed by the husband. I am informed that the wife has preferred a case O.S.189/04 for realisation of the amount. The main case is the divorce case. The grounds alleged are that she has to travel from Neendakara to Kottarakkara and there is a threat by the husband's henchmen and therefore the case should be transferred. Neither of these grounds are really appealing nor satisfactory. The Family Court, Kottarakkara and Kollam are not very far off and they are situated in the very same District and the conferment of jurisdiction by the statute on the Court cannot be slightly dealt with and taken away. So

also there is nothing to show that there is a real threat. Therefore, I do not find any ground to transfer the case but at the same time I direct the Family Court, Kottarakkara not to insist for the presence of the respondent in the O.P. on all posting dates and permit her to be present whenever her presence is actually required, i.e., just like for the purpose of counseling or for letting in evidence or other important matters. When she moves an application for exemption of personal appearance, that may be considered sympathetically and she may be excused. With these observations, this Tr.P.C. is disposed of.

M.N. KRISHNAN, JUDGE.

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